

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**
Civil Action No. 1:10-CV-00424

MICHAEL MACKO and DISASTER
MITIGATION COMPANY,

Plaintiffs,

v.

DISASTER MASTERS, INC.
and RON ALFORD,
Defendants.

**MOTION TO WITHDRAW
AS COUNSEL**

Pursuant to Local Rule 83.1(e), attorneys Paul J. Osowski, Neil C. Jones, Goran P. Stojkovich, and Ashley B. Summer, all of Nelson, Mullins, Riley, & Scarborough, LLP, respectfully move the Court for an Order allowing and entering their withdrawal and the withdrawal of their firm and all attorneys thereof as counsel for Plaintiffs Michael Macko and Disaster Mitigation Company in the above-captioned matter. In support of this motion, the undersigned shows the following good cause:

1. The foregoing attorneys have appeared in this action on behalf of Plaintiffs by either filing a Notice of Appearance, admission pro hac vice, or appearing upon pleadings and documents filed with the Court.
2. On October 14, 2010, Michael Macko informed Neil Jones in email correspondence that neither he nor Disaster Mitigation Company desires to continue being represented in this matter by Nelson, Mullins, Riley, & Scarborough, LLP or its attorneys. In so

doing, Mr. Macko indicated that he will be retaining new attorneys within the local North Carolina area.

3. Although an initial pretrial conference is currently scheduled for October 22, 2010, it is believed that Mr. Macko and Disaster Mitigation Company can retain alternative counsel so that no delays in this case are necessary as a result of the currently-proposed withdrawal. In addition, Defendants have moved to continue the initial pretrial conference until a later date, which will provide additional time for Plaintiffs to retain new counsel.
4. The undersigned current counsel for Mr. Macko and Disaster Mitigation Company has informed its clients of the due date for the proposed 26(f) schedule, which is today, October 18, 2010, unless the Court continues the hearing currently scheduled for Friday, October 22, 2010. Mr. Macko and Disaster Mitigation Company have instructed undersigned current counsel that new counsel will handle the presentation of a proposed 26(f) schedule.

In the interest of efficiency, a separate memorandum is not submitted in support of this memorandum due to the factual circumstances being adequately recited herein.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/Paul J. Osowski

Paul J. Osowski
N.C. State Bar No. 23423
100 North Tryon St., Suite 4200
Charlotte, NC 28202
Phone: (704) 417-3114
Fax: (704) 417-3212
E-mail: paul.osowski@nelsonmullins.com

*Neil C. Jones
Federal Bar No. 5470
neil.jones@nelsonmullins.com
*Ashley B. Summer
ashley.summer@nelsonmullins.com
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, SC 29601
(864) 250-2260
Attorneys for Plaintiffs

*Admitted Pro Hac Vice

This 18th day of October 2010.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification to the following attorneys of record for Defendants:

B. ERVIN BROWN, II
LAW FIRM OF B. ERVIN BROWN, II
1014 W. FIFTH ST.
WINSTON-SALEM, NC 27101
336-723-7966
336-723-1035 (fax)
beb@ervinbrownlaw.com

This 18th day of October 2010.

/s/Paul J. Osowski

Paul J. Osowski
N.C. State Bar No. 23423
100 North Tryon St., Suite 4200
Charlotte, NC 28202
Phone: (704) 417-3114
Fax: (704) 417-3212
E-mail: paul.osowski@nelsonmullins.com